1949.

File No. O. Elect. (E-P) /49

Legal **DEPARTMENT**

A **BRANCH**

Subject:—

Opinions under the Bombay Electricity (Emergency Powers) Act 1949.

(P) 3/F)

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S.A.K.

Submitted.

Attention is invited to the letter of the Manager of the Nasik Deolali Electric Supply Co. Ltd dated the 6th September 1949 addressed to the Under Secretary , Government of Bombay, P.W.D., at p. 11. Mr. R.S.Gaidhani's installation bearing the Company's account No. J. 24 was disconnected on 10-6-49 for non-payment of the Company's dues. Thereafter Mr. Gaidhani paid up all the dues but at the same time informed the Companynot to reconnect without his written consent. He also promised to pay the deposit against regular payment of energy. Mr. Gaidhani has neither paid the deposit nor asked for reconnection. On 19-8-1949 the Company received a permit application from Mr. Pathak. Mr. Pathak a stated in his letter that he is willing to pay the deposit also. As the installation stood in the name of Mr. Gaidhani, on receipt of Mr. Pathak's letter, the Company wrote to Mr. Gaidhani informing him that as they have neither received the deposit nor the written consent to reconnect his installation, if they did not hear from him ~~Pathak's application to Government~~ (Mr. Gaidhani) before 29-8-49 they would refer Mr. Pathak's application to Government. To this letter also Mr. Gaidhani replied that he would pay the deposit shortly and the installation should not be reconnected without his consent. The Company is prepared to reconnect the same in the name of the new party, The Electrical Engineer to Government stateas that as the installation is in the name of Mr. Gaidhani, Mr. Pathak who has applied for reconnection has absolutely no righ over the services. It would not therefore, be in order to perm the company to reconnect the instal ation as the requisitionin consumer Mr. Pathak was not himself the Consumer of the supply at the time of its disconnection.

S.A.K.

The R.L.A. is requested to advise whether the taken by the Electrical Engineer is correct.

Under section 5(1) (a) ∅ (iii) of Bombay Electricity (Emergency Powers) Act, 1946, the Provincial Government may be order direct a licensee not to comply except with the permission of the Prov ncial Government, any requisition for the resumption and a supply made within six months of its discontinuance, where the requisitioning consumer was not himself the Consumer of the supply at the time of its discontinuance.

The installation was discontinued by the Company on 10-6-49.Mr. Pathak has applied for reconnection on 19-8-49 and has sent in his application form. Mr. Pathak was not the consumer of the supply supply when the installation was disconnected. The period necessary to expire in a case where the requisitioning Consumer is not the Consumer of the supply at the time of its discontinuance, is six months. Secondly Mr. Gaidhani, has in his letter informed the Company not to connect the installation without his written consent and that he will pay the necessary deposit in short time, So unless the-per: he period of six months expires, it seems, it will not be proper nder s. 5(1) (a) (iii) of the Bombay Electricity Emergency Powers) Act, 1949 to permit the Company to econnect the installation.

Sd/-
26-11

A.A.S.

Office of the R.L.A.

The Bom. Electricity (Powers) Act, 1946.

Section 5(1)(a) (iii)

under clause (a) (iii) of section 5(1) of the Electricity (Emergency Powers) Act, 1946 Government may direct the licenses not to comply with the requisition in the present case.

Sd/-

23-12

Remembrancer of Legal Affairs.

U.R. to P.W.D.No. 15050 dated the 24th December 1949.